PATENT *IFW*

Case Docket No. FNDSTN.032A

Date: September 28, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Marshall Beddoe et al.
Appl. No. : 10/821,046
Filed : April 8, 2004
For : SYSTEM AND METHOD OF
OPERATING SYSTEM
IDENTIFICATION
Examiner : Unknown
Group Art Unit : 2122

I hereby certify that this correspondence and all
marked attachments are being deposited with the
United States Postal Service as first class mail in
an envelope addressed to: Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-
1450, on

September 28, 2004

(Date)

Ted M. Cannon, Reg. No. 55,036

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is:

- (X) Power of Attorney by Assignee; copy of Assignment
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

Ted M. Cannon
Registration No. 55,036
Attorney of Record
Customer No. 20,995
(949) 760-0404

FNDSTN.032A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Marshall Beddoe et al.)
)
App. No. : 10/821,046)
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Filed : April 8, 2004)
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For : SYSTEM AND METHOD OF)
OPERATING SYSTEM)
IDENTIFICATION)
)
Examiner : Unknown)
)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer**


App. No. : 10/821,046
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No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

Foundstone, Inc.

Dated: 9-27-04

By: 
Title: _____

D. Gregg Marston
Address: 27201 Puerta Real, Suite 400
Mission Viejo, CA 92691 **VP Finance/CFO**

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070704

Application No.: Unknown
Filing Date: Filed Herewith

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Client Code: FNDSTN.032A
Page 1

ASSIGNMENT

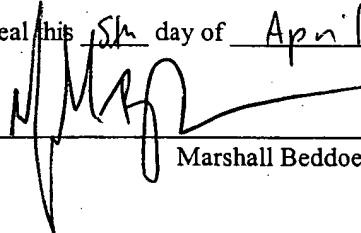
WHEREAS, We, Marshall Beddoe, a United States citizen, residing at 24582 Del Prado #221, Dana Point, California 92629, and Robin Keir, a United States citizen, residing at 27181 Cipres, Mission Viejo, California 92692, have invented certain new and useful improvements in a SYSTEM AND METHOD OF OPERATING SYSTEM IDENTIFICATION, for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, Foundstone, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 27201 Puerta Real, Suite 400, Mission Viejo, California 92691, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 31st day of April, 2004.


Marshall Beddoe

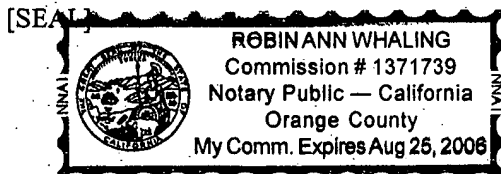
STATE OF CALIFORNIA

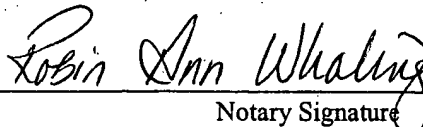
ss.

COUNTY OF ORANGE

On April 5, 2004, before me, Marshall Beddoe, personally appeared Marshall Beddoe, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.




Notary Signature

Application No.: Unknown
Filing Date: Filed Herewith

COPY

PATENT
Client Code: FNDSTN.032A
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 2004.

Robin Keir

STATE OF CALIFORNIA

}
} ss.
}

COUNTY OF ORANGE

On _____, before me, _____, personally appeared Robin Keir, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

TMC-1727.DOC
20040305/1

COPY

ASSIGNMENT

WHEREAS, We, Marshall Beddoe, a United States citizen, residing at 24582 Del Prado #221, Dana Point, California 92629, and Robin Keir, a United States citizen, residing at 27181 Cipres, Mission Viejo, California 92692, have invented certain new and useful improvements in a SYSTEM AND METHOD OF OPERATING SYSTEM IDENTIFICATION, for which we have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, Foundstone, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 27201 Puerta Real, Suite 400, Mission Viejo, California 92691, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this ____ day of _____, 2004.

Marshall Beddoe

STATE OF CALIFORNIA

}
} ss.
}

COUNTY OF ORANGE

On March 23, 2004, before me, Marshall Beddoe, personally appeared Marshall Beddoe, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Notary Signature

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 23 day of MARCH, 2004.

Robin Keir

Robin Keir

STATE OF CALIFORNIA

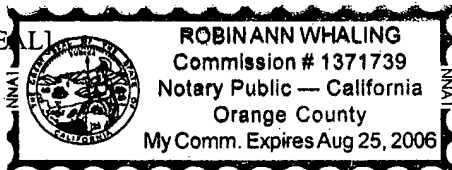
SS.

COUNTY OF ORANGE

On March 23, 2004, before me, Robin Ann Whaling, personally appeared Robin Keir, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Robin Ann Whaling

Notary Signature